

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)

BARBARA BURNETTE and LEBRO BURNETTE,

05 CV 7823 and 10 CV 2309

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

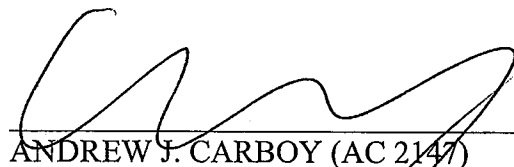
Defendants.

NOTICE OF APPEAL

NOTICE is hereby given that Barbara Burnette and Lebros Burnette, and the plaintiffs listed in the attached Addendum A for the 21 MC 100 docket hereby appeal to the United States Court of Appeals for the Second Circuit from the Order entered in this action on September 8, 2011 that, *sua sponte* and without notice to the parties or counsel or an opportunity for briefing, ordered that Plaintiffs' Counsel may not receive a fee on the so-called "Contingent Payments" resulting from the District Court's Orders of December 30, 2010 and September 8, 2011.

Dated: New York, New York
October 7, 2011

By:



ANDREW J. CARBOY (AC 2147)

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.
Attorneys for Plaintiffs
120 Broadway, 18th Floor
New York, New York 10271
TEL: (212) 732-9000

Counsel for Plaintiffs-Appellants

Addendum A

<u>Plaintiff(s)</u>	<u>Docket Numbers</u>
Charles Flood	07 CV 6806 and 10 CV 1929
Glenn Cairney	07 CV 6022 and 10 CV 1905
Kevin Farrell and Beth Farrell:	04 CV 8501; 05 CV 8897; and 10 CV 1932
Eric Iversen	10 CV 2089, 08 CV 3616
Richard Harrison	10 CV 2303, 04 CV 9904; 04 CV 9906
Robert Shenefield	10 CV 1217
Peter Smith	05 CV 7258, 09 CV 9385
Stephen Naso	10 CV 2054
Arthur Leacock, Jr. and Cindy Leacock	07 CV 6857, 04 CV 9262, 10 CV 2011

Certificate of Service

Andrew J. Carboy, an attorney licensed to practice law in the State of New York and admitted to practice before the United States District Court for the Southern District of New York, hereby declares under penalty of perjury:

On October 7, 2011, I served a true copy of the within Notice of Appeal on the persons listed below by email transmission and by mailing a copy via U.S. Mail.

SERVICE LIST

DEFENDANTS' COUNSEL:

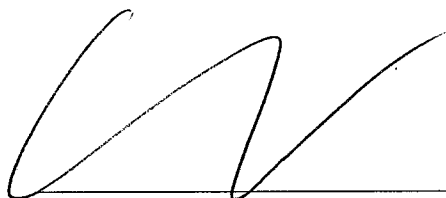
James Tyrrell, Esq.
PATTON BOGGS LLP
The Legal Center
One Riverfront Plaza
Newark, NJ 07102
Telephone: (973) 848-5600
jtyrrell@pattonboggs.com

COUNSEL FOR WTC CAPTIVE INSURANCE COMPANY, INC.

Margaret Warner, Esq.
McDermott Will & Emery, LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096
mwarner@mwe.com

PLAINTIFFS' CO-LIAISON COUNSEL:

Paul Napoli, Esq.
NAPOLI BERN RIPKA & WORBY GRONER EDELMAN
Empire State Building
350 Fifth Avenue, Ste. 7413
New York, NY 10118
Telephone: (212) 267-3700



Andrew J. Carboy

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Luigi Mansueti, being duly sworn, deposes and says:

I am not a party to this action. I am over 18 years of age. I have a business address at 120 Broadway, New York, New York 10271.

On the 7th day of October 2011, I served the within **NOTICE OF APPEAL TAKEN BY BARBARA BURNETTE, et al.** upon the following attorneys for the parties in this action, at the address designated by said attorneys for that purpose, by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

DEFENDANTS' COUNSEL:

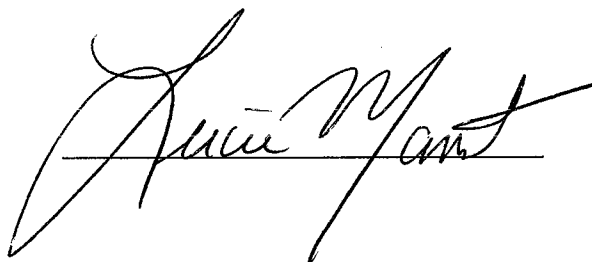
James Tyrrell, Esq.
PATTON BOGGS LLP
The Legal Center
One Riverfront Plaza
Newark, NJ 07102

COUNSEL FOR WTC CAPTIVE INSURANCE COMPANY, INC.

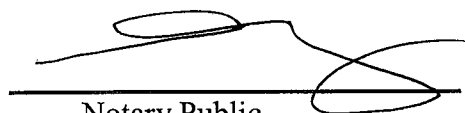
Margaret Warner, Esq.
McDermott Will & Emery, LLP
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Washington, D.C. 20005-3096

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NAPOLI BERN RIPKA &
WORBY GRONER EDELMAN
Empire State Building
350 Fifth Avenue,
Suite 7413
New York, NY 10118

A handwritten signature in cursive script, appearing to read "Paul Napoli", written over a horizontal line.

Sworn to before me this
7th day of October, 2011

A handwritten signature, possibly "Wendell Y. Tong", written over a horizontal line.

Notary Public

WENDELL Y. TONG
Notary Public, State of New York
No. 02TO6164955
Qualified in New York County
Commission Expires April 30, 2015